

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

RECEIVED

MAR 1 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

Norfolk Southern Railway Company; the City of :
Mount Olive; Staunton Township; and the State of :
Illinois, Department of Transportation, :

Stipulated Agreement regarding improving public : T03-0041
safety at the crossings of the Company's tracks :
with public highways known as Third North Street, :
Main Street (CH 16), Second South Street, Third :
South Street, Poplar Street, and Eighth South :
Street, all in the City of Mount Olive, and TR 457 :
in Staunton Township, all located in Macoupin :
County, Illinois, designated as crossings AAR/DOT :
480 074P, milepost 444.51-WA, AAR/DOT :
480 075W, milepost 444.74-WA, AAR/DOT :
480 076D, milepost 444.85-WA, AAR/DOT :
480 077K, milepost 444.93-WA, AAR/DOT :
480 078S, milepost 445.09-WA, AAR/DOT :
480 079Y, milepost 445.28-WA, and AAR/DOT :
480 084V, milepost 447.13-WA, respectively. :

MOTION REQUESTING PREHEARING CONFERENCE

NOW COMES Norfolk Southern Railway Company (Norfolk Southern), by and through
its attorney, Neil F. Flynn, and for its Motion Requesting Prehearing Conference states:

1. On or about January 5, 2006, the City of Mount Olive filed its Supplemental Petition For Additional Funding.
2. After reviewing the City's Supplemental Petition For Additional Funding, Norfolk Southern is unclear as to the exact amount of and purpose or purposes for which the City is seeking additional funding by way of its Supplemental Petition.
3. Further, Norfolk Southern is unclear as to whether the City is alleging that Norfolk Southern is in any way responsible for or whether the City is seeking a Commission determination to allocate among the parties any such alleged cost overrun.

DOCKETED

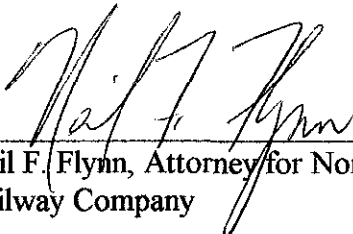
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4. 83 Ill. Adm. Code 200.300 permits the scheduling of a prehearing conference to, among other things, simplify the issues, to develop discovery schedules and to facilitate the prompt and efficient resolution of the proceeding. (83 Ill. Adm. Code 200.300)

WHEREFORE, Norfolk Southern respectfully requests 1) that in lieu of a substantive hearing on the merits of the City's Supplemental Petition currently scheduled for March 9, 2006, a prehearing conference be scheduled and conducted at that time; and 2) that if after the completion of that prehearing conference contested issues of fact remain outstanding, the parties be allowed a reasonable opportunity to undertake and complete discovery, and that a subsequent date for hearing on the merits be scheduled at that time.

Respectfully submitted,



Neil F. Flynn, Attorney for Norfolk Southern
Railway Company

Date: February 28, 2006

Neil F. Flynn, Attorney at Law
Attorney for Norfolk Southern Railway Company
1035 South Second Street
PO Box 37
Springfield, IL 62705
217-544-0261
nflynn@nfflynnlaw.com

CERTIFICATE OF SERVICE

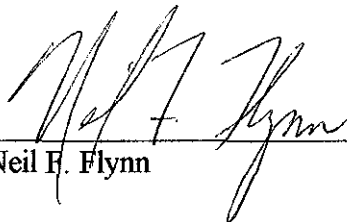
The undersigned certifies that on February 28, 2006, a copy of the foregoing instrument was served upon the following parties by depositing said instruments in the U.S. Mail, with postage thereon fully prepaid, at Springfield, Illinois, plainly addressed as follows:

Dave Lazarides, Director of Processing
Illinois Commerce Commission
527 East Capitol
Springfield, IL 62701

Ms. Dorothy Beyer
Staunton Township Clerk
200 E. 2nd Street
Staunton, IL 62088

Mr. Milton R. Sees
Director of Highways, Chief Engineer
Illinois Department of Transportation
2300 South Dirksen Parkway/Room 311
Springfield, IL 62764

Brent A. Cain
Bertinetti & Cain
Attorneys for City of Mount Olive
227 East First South Street
PO Box 645
Carlinville, IL 62626-0645



Neil F. Flynn

Neil F. Flynn
Attorney at Law
1035 South Second Street
P.O. Box 37
Springfield, IL 62705-0037
Telephone: 217-544-0261